

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #149
07/18/05**

MEMBERS PRESENT: Chairman Ted Sutton, Linda Thomas, Robert Duval, John MacDonald, Ryan Bielagus, Debra Hale, Raymond Donald

MEMBERS NOT PRESENT: Vice-Chairman Charles Niebling, Muriel Lajoie, David Collins,

NHDES – ARD PERSONNEL: Robert Scott, Anne Keach, Michael Fitzgerald, Barbara Hoffman, Thomas Niejadlik, Brian Jennison, Joseph Fontaine, Pamela Monroe

OTHER INTERESTED PARTIES: Not Present

Call to Order:

Chairman Sutton called Meeting #149 of the Air Resources Council (ARC) to order at 9:10 a.m. on July 18, 2005. Chairman Sutton announced that a quorum was present. Chairman Sutton introduced Debra Hale, Manager of New England Government and Community Relations for Keyspan Energy. Ms. Hale was recently appointed by the Governor and Executive Council to the Air Resources Council to represent the natural gas industry.

Approval of Minutes:

John MacDonald entered a motion to accept the minutes of meeting #148. Robert Duval seconded the motion. All present were in favor. The minutes of meeting #148 were accepted by the ARC.

Division Activities:

Chairman Sutton introduced Robert Scott, Director of the Air Resources Division (ARD). Mr. Scott announced the following upcoming activities:

- Executive Order for Energy Efficiency in State Government. The Executive Order calls for State Government to reduce energy use in state facilities by 10% and directs state agencies and departments to implement a Clean Fleets Program to improve fuel efficiency and reduce gasoline consumption in the more than 4,000 state owned vehicles. An energy information system will be implemented to measure progress towards meeting the energy reductions called for in the Executive Order.

Director Scott offered to request a Legislative Services Request (LSR) to amend the requirement of the Licensed/Practicing Physician requirement for the Air Resources Council Membership.

Linda Garrish entered a motion to allow Robert Scott, in his capacity of Director of the Air Resources Division, to draft language for an LSR to include the language, "other health care professionals" in addition to a licensed-practicing physician as a requirement of RSA 21-O:11.

Robert Duval seconded the motion. John MacDonald opposed the motion. All others were in favor.

Legislative Issues:

Director Scott outlined the following legislative activities that the Air Resources Division has been involved in during the 2005 Session:

- Executive Order #2005-04 was signed on July 14, 2005 and calls for energy efficiency in state government. Details of the Executive Order include:
 - Goal of 10% reduction in energy use in state buildings
 - Establishes energy tracking system coordinated by the Department of Administrative Services
 - Commissions a building code for new buildings
 - Commissions a vehicle fleet policy
 - Establishes annual Governor's Award
- Senate Bill 128 – Relative to Emissions Reduction Standards as required by the Clean Power Act, which seeks to establish specific caps for mercury as well as establishing a further request to carbon dioxide (CO₂) emissions reductions from affected fossil fuel burning power plants in New Hampshire – Phase II.
- House Bill 517 – Relative to establishing a committee to study criteria issues relative to construction and demolition waste and to establishing a moratorium on the incineration of any construction and demolition waste.
- House Bill 58 – Relative to the effective date for the elimination of certain substances (MtBE) from gasoline supplies, and seeks to amend Chapter 175 of the General laws of New Hampshire (as passed by Senate Bill 397 last Spring)
- House Bill 513 – Relative to on-board diagnostic system inspections and the applicability of the OBD II testing requirements.
- Biodiesel Study

Division Update

Director Scott outlined the following organizational changes within the Air Resources Division as follows:

- Establishment of the Atmospheric Science & Analysis Section
- Dispersion Modeling Unit moved from the Technical Services Bureau to the Stationary Sources Management Bureau, Planning Section
- Education and Outreach Unit moved from the Director's Office to the Technical Services Bureau
- Health Risk Assessment/Radon/Indoor Air Quality Unit (formerly of DHHS) moved to the Stationary Sources Management Bureau, Planning Section

Director Scott provided members of the ARC with an overview of Air Quality Actions Days to date:

- On June 25, 2005, New Hampshire called an Air Quality Action day
- ARD is tracking effect of the forest fires in Quebec in late June for PM levels, issued a press release on June 26, 2005
- One exceedance of the 8-hour ozone standard in New Hampshire on June 27, 2005
- No exceedances of the 1-hour ozone standard in NH since August 13-14, 2002
- ARD has developed informational slides to issue to television stations on warning days

Env-A 500, Standards Applicable to Certain New or Modified Facilities and Sources of Hazardous Air Pollutants

Chairman Sutton introduced Barbara Hoffman of the Stationary Source Management Bureau, Planning Unit. Ms. Hoffman presented members of the ARC with annual update of Env-A 500. Ms. Hoffman stated that Env-A 500 was originally adopted in April of 2002. She stated that the delegation agreement with EPA states that the NHDES will accept delegation of newly promulgated federal standards by annually updating the rule. The NHDES chose July 1st as the starting date since EPA's regulations are published each year in the Code of Federal Regulations (CFR), title 40 on July 1.

Ms. Hoffman explained that since July 1, 2004 until June 30, 2005 EPA promulgated 2 Part 63 National Emission Standards for the Hazardous Air pollutants (NESHAPS, also known as Maximum Achievable Control Technology (MACT) standards). These are shown in bold italics in the proposed rule. Each federal standards specifies the SIC codes that will likely be affected by that standard. The Toxics Inventory section then examines its sources to find all of the NH industries that use those SIC codes. They compile a list of the companies that might be too small to be covered by the rule. This is not a definitive list, since some sources may be too small to be covered by the rule, and others may no longer perform the activity that would make them subject to the rule.

Ms. Hoffman identified the MACT standards that could apply to a number of the following sources:

- Plywood and Composite Wood Products (DDDD) - 26 sources
- Industrial, Commercial, and Institutional Boilers and Process Heaters (DDDDD) – (16 sources were contacted by DES, 4 potential sources have notified DES that they are subject to the rule, 4 have not yet responded, 8 either responded in the negative or have closed)

An existing source that becomes subject to a new MACT standard is required by 40 CFR 63.9(b) to submit an initial notification of applicability to EPA within 120 days after the standard is promulgated. Most MACT standards require compliance within 3 years after the standard is promulgated.

Ms. Hoffman concluded that Part 61 is Subpart A, General Provisions and is also included in Env-A 500. She added that the General Provisions for both Parts 60 and 63 are already in the rule, and it was an oversight to not include them in Part 61.

Linda Thomas entered a motion to accept Env-A 500. Robert Duval seconded the motion. All present were in favor. Chairman Sutton instructed members of the ARC to contact Vice-Chairman Niebling with any comments on the proposed rule within fifteen (15) days.

Other Business:

Env-A 4200, Architectural and Industrial Maintenance Coatings (AIM Rule)

Robert Duval entered a motion to table Env-A 4200 until further concurrence of concerned parties. Linda Thomas seconded the motion. All members present were in favor.

Barbara Hoffman announced that a public hearing will be held on July 19, 2005 at 10:00 a.m. to receive public comment concerning Env-A 4100, Consumer Products.

Chairman Sutton scheduled the next meeting of the ARC on September 19, 2005.

Adjourn:

Having no further business to discuss, Raymond Donald entered a motion to adjourn. John MacDonald seconded the motion. All members present were in favor. Meeting #149 of the ARC adjourned at 9:50 a.m. on July 18, 2005.